

Notice of Allowability

Application No.

10/009,855

Examiner

Ula C Ruddock

Applicant(s)

HAINSWORTH ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 7/11/2003.
2. ☐ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 25 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steve Beyer on September 4, 2003.

The application has been amended as follows:

Amend and rewrite claim 1 as follows:

1. (Amended) A fire resistant textile material comprising a woven faced or warp knitted fabric comprised of fibres selected from meta-aramid, polyamide imide, and mixtures thereof, the fabric including a woven mesh [back] of low thermal shrinkage fibres, wherein the low thermal shrinkage fibres form an interwoven back [scrim] mesh on the face fabric, and wherein the ratio of face to back yarns by number is in the range of 6:1 to 12:1.

**In claim 3, line 2, delete "(para-aramid eg Kevlar)"

**In claim 3, line 7, delete the ":", and insert --,--

Amend and rewrite claims 8-12 as follows:

8. (Amended) A woven textile material as claimed in claim 1, wherein the textile material has a face yarn[s] count [is] in the range of [resultant] 15 to 50 Nm.

9. (Amended) A woven textile material as claimed in claim 8, wherein the textile material has a face yarn[s] count [is] in the range of [resultant] 20 to 41 Nm.

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10. (Amended) A woven textile material as claimed in claim 8, wherein the textile material has a reverse side yarn[s] count [is] in the range of 25 to 150 Nm.

11. (Amended) A woven textile material as claimed in claim 10, wherein the textile material has a reverse side yarn[s] count [is] in the range of 40 to 60 Nm.

12. (Amended) A woven textile material as claimed in claim 1, wherein the [face weave] woven fabric is selected from [:] plain weave, plain weave rip stops, straight twills, twill weave rip stops, and their derivatives.

Reasons for Allowance

2. Claims 1-12 are allowed.

3. The following is an examiner's statement of reasons for allowance: for the reasons argued in the present response and by the present Examiner's amendment. Furthermore, while Fottinger et al. (US 5,279,878) and Poisson (US 4,433,493) are believed to be the closest prior art, they fail to teach or disclose a textile material comprising a woven fabric and a woven mesh comprised of low thermal shrinkage fibres, wherein the ratio of face to back yarns is in the range of 6:1 to 12:1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C Ruddock whose telephone number is 703-305-0066. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

UCR

UCR

Ula Ruddock